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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,049	10/16/2001	Richard H. Lahn		8462

7590 10/19/2004

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EXAMINER

SWIA TEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,049

Applicant(s)

LAHN, RICHARD H.

Examiner

Robert P. Swiatek

Art Unit

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a remote image data processing system, classified in class 701, subclass 223.
- II. Claims 26, 27, drawn to a method of determining an object's geographical location, classified in class 700, subclass 90.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the method of Invention II could be practiced by hand without the image sensing, processing, and retrieval means of Invention I using, for example, geometrical instruments in combination with a two-dimensional map.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Felix J. Sahlin on 8 October 2004 a provisional election was made with traverse to prosecute the invention of Invention I, claims 1-14.

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Affirmation of this election must be made by applicant in replying to this Office action. Claims 26, 27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Quayle Action

This application is in condition for allowance except for the following formal matters: Claims 1-14 are objected to under 37 CFR 1.75(a) as not particularly pointing out and distinctly claiming the subject matter applicant regards as the invention. In claim 1, line 2, "the object" lacks a prior antecedent basis, in line 3, --(LOS)-- should be inserted after "sight" for clarity, in line 4, "the image sensor" lacks a prior antecedent basis (note subsequent occurrences in claims 1 and 5), in line 5, "a" should be deleted, in line 11, --the-- should be inserted before "object"; in claims 2-4, each occurrence of "the image detector" lacks a prior antecedent basis; in claim 6, "the means for resolving visual images," in claim 7, "the means for adjusting sensor's line of sight," in claim 8, "the means for adjusting the image sensor's line of sight," in claim 9, "the image storage unit," in claims 10-12, "the image processing means," and in claims 13, 14, "the image processing unit" all lack prior antecedent bases; claim 12 must end with a period rather than a semicolon; in claim 14, line 2, "the image data processor" lacks a prior antecedent basis.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Applicant should note that withdrawn claims 15-27 must be canceled before the application can be passed to issue.

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The patents to Falconnet (US 5,485,384), Choate (US 5,719,773), and Teuchert (US 2002/0085094 A1) have been cited to provide examples of airborne sensor systems.

RPS: ©703/308-2700
12 October 2004

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 333 3643